

# WELFARE AND INSTITUTIONS CODE

and 9120 to 9128, inclusive, shall be applicable

note under § 9800.

legislation, the section was editorially classified as 12.

## COMMISSION ON AGING

ence; composition [New].

g; construction.

c. 912, p. 2893, § 6.

added by Stats.1973, c. 1080, p. 2191, § 1, 912, p. 2893, § 5.

c. 912, p. 2893, § 6.

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a. —, § 24.5, see § 9200, post.

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1453, p. —, § 24.5.

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# WELFARE AND INSTITUTIONS CODE

§ 9200.5

(a) Composed of 25 persons.

(1) Nineteen persons appointed by the Governor. Nine of the 19 persons shall be appointed by the Governor from lists of nominees submitted by the area agency on aging advisory councils. Five of the 19 persons shall be appointed by the Governor from lists of nominees submitted by area boards on developmental disabilities and the California Coalition of the Independent Living Centers. At least five names shall be submitted as nominees for each vacancy.

(2) Three persons appointed by the Speaker of the Assembly.

(3) Three persons appointed by the Senate Rules Committee.

(b) Comprised of a majority of members \* \* \* who have these functional impairments or who are elderly, and who, by the conditions, represent the same percentage of department constituents that have these conditions.

\* \* \*

(c) Composed of representatives of the geographic, cultural, economic and other social factors in the state.

(d) The commission composition requirements shall be complied with as vacancies occur.

(Added Stats.1980, c. 912, p. 2893, § 6. Amended by Stats.1982, c. 1453, p. —, § 24.5.)

Operative effect of 1982 amendment of § 9200, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2893, § 6, see § 9200, ante.

## 1980 Legislation.

Former § 9200, added by Stats.1973, c. 1080, p. 2191, amended by Stats.1976, c. 1055, p. 4683, § 1, relating to the existence, membership, and qualifications of members of the commission, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Derivation: Former § 2370, added by Stats.1956, 1st Ex.Sess., c. 59, p. 451, § 1, amended by Stats.1961, c. 1810, p. 3846, § 1; Stats.1963, c. 1746, p. 3482, § 1; Stats.1955, c. 1730, p. 3181, § 1.

Former § 18300, added by Stats.1965, c. 1784, p. 4103, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 608, § 2; Stats.1968, c. 1460, p. 2916, § 12; Stats.1969, c. 138, p. 383, § 309.

Former § 9200, added by Stats.1973, c. 1080, p. 2191, § 1, amended by Stats.1976, c. 1055, p. 4683, § 1.

## § 9200.5. Term of office; officers; attendance at meetings

The term of office of members of the commission shall be three years. Members shall not serve more than two terms. The members shall select one of their members to serve as chairperson and one of their members to serve as vice chairperson on an annual basis.

A commissioner who fails to attend two consecutive monthly meetings or who fails to attend nine meetings per year, without having given written excuse acceptable to the commission, shall cause the commission to notify the appointing authority, and the appointing authority may declare the position vacant.

A representative from the California Interdepartmental Committee on Aging (CICA), other than from the Department of Aging, shall attend the commission meetings.

(Added by Stats.1980, c. 912, p. 2893, § 6.)

## 1980 Legislation.

Former § 9200.5, added by Stats.1973, c. 1080, p. 2192, § 1, amended by Stats.1976, c. 1055, p. 4685, § 2, relating to terms of office and officers of the commission, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Derivation: Former § 2371, added by Stats.1956, 1st Ex.Sess., c. 59, p. 451, § 1.

Asterisks \* \* \* indicate deletions by amendment

## Notes of Decisions

### 1. In general

The director of the department of aging has no authority over the commission on aging's budget except to serve as "the fiscal agent" for the accounting of gifts and grants, and also has no authority with respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 64 Ops.Atty.Gen. 4, 1-8-81.

The secretary of the health and welfare agency has no administrative control over the commission on aging. Id.

Members of the legislature who meet with and participate in the work of the citizens' advisory committee on aging are not members of said committee but do so as members of joint interim legislative committee and they may not vote on resolutions and recommendations made by the citizens' committee. 40 Ops.Atty.Gen. 75.

Stats.1955, c. 1730, p. 3181, § 1.

Former § 18301, added by Stats.1965, c. 1784, p. 4104, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 608, § 3.

Former § 9200.5, added by Stats.1973, c. 1080, p. 2192, § 1, amended by Stats.1976, c. 1055, p. 4685, § 2.

## § 9201

## WELFARE AND INSTITUTIONS CODE

### § 9201. Duties and functions

*Text of section as added by Stats.1980, c. 912, p. 2894, § 6.*

The duties and functions of the commission shall be to:

- (a) Serve as the principal advocate body in the state on behalf of older persons, including, but not limited to, advisory participation in the consideration of all legislation and regulations made by state and federal departments and agencies relating to programs and services that affect older persons.
  - (b) Participate with the department in training workshops for community, regional and statewide senior advocates, to help older persons understand legislative, regulatory and program implementation processes.
  - (c) Prepare, publish and disseminate information, findings and recommendations regarding the well-being of older adults.
  - (d) Actively participate and advise the Department of Aging in the development and preparation of the State Plan on Aging, conduct public hearings on the State Plan on Aging, review and comment on the state plan, and monitor the progress of the plans' implementation.
  - (e) Meet formally on a monthly basis in order to study problems of older persons, present findings and make recommendations.
  - (f) At least six of the meetings shall be with the director and at least six of the meetings shall be held in various parts of the state.
  - (g) Hold hearings throughout the state, in order to gather information and advise the Governor, Legislature, Department of Aging and agencies on all levels of government regarding solutions to problems confronting older persons and the most effective use of existing resources and available services for older persons.
  - (h) Hire an executive director and, within budgetary limits, such staff as may be necessary for the commission to fulfill its duties.
  - (i) Develop in cooperation with the department a method for the selection of delegates to the statewide legislative meeting of senior advocates.
  - (j) The commission shall solicit the advice and recommendations of the California Interdepartmental Committee on Aging (CICA) in a manner that shall include, but not be limited to, attending at least six meetings chosen by the CICA membership, and active involvement by the members of the CICA providing technical assistance to the committees of the commission.
  - (k) Perform other duties as may be required by statute, regulation or resolution.
  - (l) Meet and consult with the area agency on aging advisory councils in order to exchange information, and assist in training, planning, and development of advocacy skills.
- (Added by Stats.1980, c. 912, p. 2894, § 6.)

*For text of section as amended by Stats.1982, c. 1453, p. —, § 25, see § 9201, post.*

### § 9201. Duties and functions

*Text of section as amended by Stats.1982, c. 1453, p. —, § 25.*

The duties and functions of the commission shall be to:

- (a) Serve as the principal advocate body in the state on behalf of older persons and younger functionally impaired adults served under this division, including, but not limited to, advisory participation in the consideration of all legislation and regulations made by state and federal departments and agencies relating to programs and services that affect older \* \* \* or functionally impaired adults.
- (b) Participate with the department in training workshops for community, regional and statewide senior advocates, to help older persons and younger functionally impaired adults served under this division understand legislative, regulatory and program implementation processes.
- (c) Prepare, publish and disseminate information, findings and recommendations regarding the well being of older or functionally impaired adults.
- (d) Actively participate and advise the department \* \* \* in the development and preparation of the State Plan on Aging, conduct public hearings on the State Plan on Aging, review and comment on the state plan, and monitor the progress of the plan's implementation.

Underline indicates changes or additions by amendment

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1980, c. 912, p. 2894, § 6.

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453, p. —, § 25, see § 9201, post.

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§ 9202

(e) Actively participate and advise the State Council on Developmental Disabilities in the develop- ment and preparation of the California Developmental Disabilities State Plan, review and comment on the state plan, and monitor the progress of the plan's implementation.

(f) Meet formally on a monthly basis in order to study problems of older \* \* \* or functionally impaired adults, present findings and make recommendations.

(g) At least six of the meetings shall be with the director and at least six of the meetings shall be held in various parts of the state.

(h) Hold hearings throughout the state, in order to gather information and advise the Governor, Legislature, department \* \* \* and agencies on all levels of government regarding solutions to problems confronting older persons and younger functionally impaired adults served under this division and the most effective use of existing resources and available services for older persons and younger functionally impaired adults served under this division.

(i) Hire an executive director and, within budgetary limits, such staff as may be necessary for the commission to fulfill its duties.

(j) Develop in cooperation with the department a method for the selection of delegates to the statewide legislative meeting of senior advocates.

(k) The commission shall \* \* \* advise the Governor, the Legislature, the department, and agencies on all levels of government regarding changes needed to improve the operation and efficiency of the long-term care system.

(l) Perform other duties as may be required by statute, regulation or resolution.

(m) Meet and consult with the area agency on aging advisory councils in order to exchange information, and assist in training, planning, and development of advocacy skills.

(Added by Stats.1980, c. 912, p. 2894, § 6. Amended by Stats.1982, c. 1453, p. —, § 25.)

*Operative effect of 1982 amendment of § 9201, see note under § 9800.*

*For text of section as added by Stats.1980, c. 912, p. 2894, § 6, see § 9201, ante.*

1980 Legislation.

Former § 9201, added by Stats.1973, c. 1080, p. 2192, § 1, amended by Stats.1976, c. 1055, p. 4686, § 3, relating to duties and functions of the commission, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Derivation: Former § 2372, added by Stats.1961, c. 1810, p. 3846, § 2.

Former § 18302, added by Stats.1965, c. 1784, p. 4104, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 609, § 4.

Former § 9201, added by Stats.1973, c. 1080, p. 2192, § 1, amended by Stats.1976, c. 1055, p. 4686, § 3.

Notes of Decisions

1. In general

The secretary of the Health and Welfare Agency has no administrative control over the commission on aging. 64 Ops.Atty.Gen. 4, 1-8-81.

Members of the legislature who meet with and partici- pate in the work of the citizens' advisory committee on aging are not members of said committee but do so as members of joint interim legislative committee and they may not vote on resolutions and recommendations made by the citizens' committee. 40 Ops.Atty.Gen. 75.

§ 9202. Annual report

The commission shall prepare and submit a written annual report to the Governor, describing the activities and recommendations of the commission. This report shall reflect the advice of California's older population, and shall include, but not be limited to, information from the area agency on aging advisory councils.

(Added by Stats.1980, c. 912, p. 2895, § 6.)

1980 Legislation. to the committees of the commis- sion. 1080, p. 2193, § 1, amended by Stats.1976, c. 1055, p. 4685, § 4, regarding the annual report, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Derivation: Former § 2375, added by Stats.1961, c. 1810, p. 3847, § 3, amended by Stats.1963, c. 1746, p. 3483, § 2.

Former § 18303, added by Stats.1965, c. 1784, p. 4104, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 609, § 5; Stats.1968, c. 1460, p. 2916, § 13; Stats.1969, c. 138, p. 383, § 310.

Former § 9232, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 1055, p. 4685, § 4.

## § 9203

## WELFARE AND INSTITUTIONS CODE

### § 9203. Gifts and grants

The commission may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and \* \* \* the gifts and grants shall operate to augment any appropriation made for the support of the commission, provided that the \* \* \* department shall serve as the fiscal agent for the accounting of \* \* \* the gifts and grants and that no gifts or grants shall be used for the operation by the commission of direct service programs which would conflict with the department's duties and functions as described by law.

(Added by Stats.1980, c. 912, p. 2895, § 6. Amended by Stats.1981, c. 714, p. —, § 471.)

#### 1980 Legislation.

Former § 9203, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 3, urgency, eff. May 11, 1976 and Stats.1978, c. 380, p. 1218, § 177, regarding gifts and grants, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Derivation: Former § 2376, added by Stats.1963, c. 1525, p. 3105, § 1.

Former § 18304, added by Stats.1965, c. 1784, p. 4101, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 609, § 6.

Former § 9203, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 3; Stats.1978, c. 380, p. 1218, § 177.

#### Notes of Decisions

##### 1. In general

The director of the department of aging has no authority over the commission on aging's budget except to serve as "the fiscal agent" for the accounting of gifts and grants, and also has no authority with the respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 64 Ops.Atty.Gen. 4, 1-8-81.

### § 9204. Reference to citizens advisory committee on aging; construction

*Text of section as added by Stats.1980, c. 912, p. 2895, § 6.*

Wherever there is a reference in any statute of this state to the Citizens Advisory Committee on Aging of the California Commission on Aging, it shall be construed to refer to the California Commission on Aging; provided that such reference concerns an advisory or advocacy function, or a function described in Section 9201. Any other such reference shall be construed to refer to the Department of Aging.

(Added by Stats.1980, c. 912, p. 2895, § 6.)

*For text of section as amended by Stats.1982, c. 1453, p. —, § 26, see § 9204, post.*

### § 9204. Reference to citizens advisory committee on aging; construction

*Text of section as amended by Stats.1982, c. 1453, p. —, § 26.*

Wherever there is a reference in any statute of this state to the Citizens Advisory Committee on Aging of the California Commission on Aging, it shall be construed to refer to the California Commission on Aging and Long-Term Care; provided that such reference concerns an advisory or advocacy function, or a function described in Section 9201. Any other such reference shall be construed to refer to the department \* \* \*

(Added by Stats.1980, c. 912, p. 2895, § 6. Amended by Stats.1982, c. 1453, p. —, § 26.)

*Operative effect of 1982 amendment of § 9204, see note under § 9800.*

*For text of section as added by Stats.1980, c. 912, p. 2895, § 6, see § 9204, ante.*

#### 1980 Legislation.

Former § 9204, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 4, urgency, eff. May 11, 1976, regarding construction of statutory reference to citizens advisory committee on aging, was repealed by Stats.1980, c. 912, p. 2893, § 5.

Former § 18306, added by Stats.1966, 1st Ex.Sess., c. 122, p. 609, § 8.

Derivation: Former § 9204, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 4.

### § 9205. Reimbursement of expenses

Members of the commission shall be reimbursed for their actual and necessary travel and other expenses incurred in the performance of their official duties.

Underline indicates changes or additions by amendment

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### 1980 Legislation.

Former § 9205, § 1, amended by Stats.1980, c. 912, p. 2895, § 7.

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Sec. 9300. Existence  
9300. Creation  
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from any source, public or private, to assist it in the and grants shall operate to augment any appropriated that the \* \* \* department shall serve as the and grants and that no gifts or grants shall be used service programs which would conflict with the law.

ed by Stats.1981, c. 714, p. —, § 471.)

Former § 9203, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 3; Stats. 1978, c. 380, p. 1218, § 177.

### Notes of Decisions

#### 1. In general

The director of the department of aging has no authority over the commission on aging's budget except to serve as "the fiscal agent" for the accounting of gifts and grants, and also has no authority with the respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 4 Ops.Atty.Gen. 4, 1-8-81.

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Stats.1980, c. 912, p. 2895, § 6.

is state he Citizens Advisory Committee on shall be nstrued to refer to the California concerns an advisory or advocacy function, or a reference shall be construed to refer to the

1453, p. —, § 26, see § 9204, post.

#### aging; construction

1982, c. 1453, p. —, § 26.

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Stats.1982, c. 1453, p. —, § 26.)

9204, see note under § 9800.

2, p. 2895, § 6, see § 9204, ante.

er § 18306, added by Stats.1966, 1st Ex.Sess., c. 509, § 8.

ution: Former § 9204, added by Stats.1973, c. 2193, § 1, amended by Stats.1976, c. 157, p. 257,

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## WELFARE AND INSTITUTIONS CODE

§ 9300

### 1980 Legislation.

Former § 9205, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 1055, p. 4685, § 5, regarding reimbursement of expenses, was repealed by Stats. 1980, c. 912, p. 2893, § 5.

Derivation: Former § 18300, added by Stats.1965, c. 1784, p. 4103, § 5, amended by Stats.1966, 1st Ex.Sess., c. 122, p. 608, § 2; Stats.1968, c. 1460, p. 2916, § 12; Stats.1969, c. 138, p. 383, § 309.

Former § 9205, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 1055, p. 4685, § 5.

### CHAPTER 4. STATE DEPARTMENT OF AGING AND LONG-TERM CARE

#### Sec.

9300. Existence.

9300. Creation; powers; program divisions; intra-agency policies and coordinate procedures [New].

9301. Director, deputy director and staff; activities; location.

9301. Director and chief deputy directors; deputy directors and staff; duties; department activities; location [New].

9302. Appointment of director; qualifications; powers; salary.

9302. Appointment of director and chief deputy directors; qualifications; powers; salary [New].

9303. Duties of director.

9303. Appointment of deputy directors; duties of director; dissemination of regulations [New].

9304. Assistants and employees; appointment; duties.

9305. Supervision of programs.

9305. Employees; appointment and removal [New].

9305.1. Area agency on aging; request for designation by any eligible general purpose government.

9306. Duties and powers.

9306.1. Additional power and duties.

9306.2. Activities promoting development, coordination and utilization of resources to meet long-term care needs.

9306.2. Staff exchange program; interdepartmental jointly funded positions [New].

9306.3. Monitoring and evaluating programs and services; establishment of criteria.

9306.4. Regulations.

9306.5. Priority; services, resources and planning [New].

9307. Annual report.

9308. Gifts and grants.

9309. Nutrition programs and projects.

9310. Nutrition programs; state agencies.

Heading of Chapter 4, Department of Aging, is amended to read as above upon the operative effect of Stats.1982, c. 1453, p. —, § 27. See note under § 9800.

Chapter 4 was added by Stats.1980, c. 912, p. 2895, § 8.

Former Chapter 4, Department of Aging, was added by Stats.1973, c. 1080, p. 2193, § 1, heading amended by Stats.1976, c. 157, p. 257, § 5, urgency, eff. May 11, 1976, and was repealed by Stats.1980, c. 912, p. 2895, § 7.

### § 9300. Existence

Text of section as added by Stats.1980, c. 912, p. 2895, § 8.

There is in the state government in the Health and Welfare Agency a Department of Aging. (Added by Stats.1980, c. 912, p. 2895, § 8.)

#### Repeal

Section 9300, added by Stats.1980, c. 912, p. 2895, § 8, is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 28. See note under § 9800.

For text of section as added by Stats.1982, c. 1453, p. —, § 29, see § 9300, post.

### 1980 Legislation.

Former § 9300, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 6, urgency, eff. May 11, 1976, regarding the existence of the department of aging, was repealed by Stats.1980, c. 912, p. 2895, § 7.

Derivation: Former § 9300, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 6.

#### Library References

Social Security and Public Welfare — 21.  
C.J.S. Social Security and Public Welfare § 14.

Asterisks \* \* \* indicate deletions by amendment

# § 9300

## WELFARE AND INSTITUTIONS CODE

§ 9300. Creation; powers; program divisions; intra-agency policies and coordinate procedures

Text of section as added by Stats.1982, c. 1453, p. —, § 29.

(a) There is hereby created in state government in the Health and Welfare Agency, the State Department of Aging and Long-Term Care empowered to administer the provisions of this division and serve as a single state agency for supervision of all programs under the Older Americans Act of 1965, as amended, in accordance with the action plan approved by the Legislature.

The department shall be divided into two program divisions. One division shall be the aging division, which shall be responsible for administering programs provided for, and funds appropriated, under the Older Americans Act and any other program under the jurisdiction of the department for which the long-term care division shall not be given responsibility. The other division shall be the long-term care division which shall be responsible for administering the consolidated fund, all programs for which money is appropriated from the consolidated fund, and any other related program for which the long-term care division is given responsibility.

The two divisions shall establish intra-agency policies and coordinate procedures necessary to ensure that eligible long-term care clients receive the most appropriate services according to need, irrespective of departmental divisions set forth in this division.

(Added by Stats.1982, c. 1453, p. —, § 29.)

Operative effect of Stats.1982, c. 1453, p. —, § 29, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2895, § 8, see § 9300, ante.

### 1982 Legislation.

Section 2 of Stats.1982, c. 1453, p. —, provided:

"The purpose of this act is to create the State Department of Aging and Long-Term Care, consisting of two divisions. The existing aging network set out in the Older Californians' Act presently administered by the Department of Aging, and a new division within long-term care which consolidates, under a single administrative unit, selected programs and funding currently providing long-term care services.

This act establishes and delineates the responsibilities of the new division of long-term care within the State

Department of Aging and Long-Term Care. This act reflects the directives of the Older Americans Act of 1965, as amended. It reflects the number one priority of the California Senior Legislature convened in 1981, and the recommendations of the State and White House Conferences on Aging. It is the intent of the Legislature to continue its 10-year commitment to improving programs and developing a long-term care delivery system that provides both social and health support systems.

### Library References.

Stats.—43, stat.  
C.J.S., States §§ 79, 80, 82, 136.

§ 9301. Director, deputy director, and staff; activities; location

Text of section as added by Stats.1980, c. 912, p. 2895, § 8.

The Department of Aging consists of a director, deputy director and such staff as may be necessary for proper administration. Department activities shall include, but not be limited to: (a) comprehensive program planning, development and evaluation; (b) information and dissemination activities; (c) coordination of all levels of government; (d) administration of programs funded under the Older Americans Act; and (e) shall include training and staff supportive activities.

The Department of Aging shall maintain its main office in Sacramento.

(Added by Stats.1980, c. 912, p. 2895, § 8.)

### Repeal

Section 9301 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 30. See note under § 9800.

For text of section as added by Stats.1982, c. 1453, p. —, § 31, see § 9301, post.

### 1980 Legislation.

Former § 9301, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 7; urgency, eff. May 11, 1976, regarding the director and staff, services, and location of the department, was repealed by Stats.1980, c. 912, p. 2895, § 7.

Derivation: Former § 9301, added by Stats.1973, c. 1080, p. 2193, § 1, amended by Stats.1976, c. 157, p. 257, § 7.

### Notes of Decisions

#### 1. In general

The director of the department of aging has no authority over the commission on aging's budget except to serve as "the fiscal agent" for the accounting of gifts and grants, and also has no authority with respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 64 Ops.Atty.Gen. 4, 1-8-81.

Underline indicates changes or additions by amendment

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## WELFARE AND INSTITUTIONS CODE

agency policies and coordinate procedures

1982, c. 1453, p. —, § 29.

In the Health and Welfare Agency, the State is to administer the provisions of this division of all programs under the Older Americans Act of 1965 approved by the Legislature.

in divisions. One division shall be the aging programs provided for, and funds appropriated, under the jurisdiction of the department for responsibility. The other division shall be the for administering the consolidated fund, all consolidated fund, and any other related program ability.

and coordinate procedures necessary to ensure appropriate services according to need, irrespec-

—, § 29, see note under § 9800.

912, p. 2895, § 8, see § 9300, ante.

Department of Aging and Long-Term Care. This act reflects the directives of the Older Americans Act of 1965, as amended. It reflects the number one priority of California for Legislature convened in 1981, and recommendations of the State and White House conferences on Aging. It is the intent of the Legislature to continue its 10-year commitment to improving programs and developing a long-term care delivery system that provides both social and health support systems.

References  
S. States §§ 79, 80, 82, 136.

location  
80, c. 912, p. 2895, § 8.

director and such staff as may be necessary include, but not be limited to: (a) comprehensive information and dissemination activities; (c) tion of programs funded under the Older supportive activities.

in Sacramento.

1982, c. 1453, p. —, § 30. See note

§, p. —, § 31, see § 9301, post.

### Notes of Decisions

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The director of the department of aging has no authority over the commission on aging's budget except to serve as "fiscal agent" for the accounting of gifts and grants, and also has no authority with respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 64 Gen. 81.

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## WELFARE AND INSTITUTIONS CODE

§ 9302

§ 9301. Director and chief deputy directors; deputy directors and staff; duties; department activities; location

Text of section as added by Stats.1982, c. 1453, p. —, § 31.

The department consists of a director, and two chief deputy directors. One chief deputy shall coordinate the activities of the long-term care division of the department, and the other shall coordinate the activities of the aging division of the department. The director and two chief deputy directors shall each appoint at least one deputy director and such staff as may be necessary for proper administration. Department activities shall include, but not be limited to:

(a) Comprehensive program planning, promotion, development, implementation, and monitoring.

(b) Information and dissemination activities.

(c) Administration of all programs funded under the Older Americans Act, and the Long-Term Care Consolidated Fund (as established by Part 2 (commencing with Section 9800)) and shall include training and staff supportive services.

The Department of Aging and Long-Term Care shall maintain its main office in Sacramento. (Added by Stats.1982, c. 1453, p. —, § 31.)

Operative effect of Stats.1982, c. 1453, p. —, § 31, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2895, § 8, see § 9301, ante.

§ 9302. Appointment of director; qualifications; powers; salary

Text of section as added by Stats.1980, c. 912, p. 2895, § 8.

The Governor, with the consent of the Senate, shall appoint a director of the Department of Aging. The Governor shall consider, but not be limited to, recommendations from the California Commission on Aging. The director shall have: (a) training in the field of gerontology, social work, public health, public administration or other related fields; (b) direct experience or extensive knowledge of programs and services related to the elderly; (c) has demonstrated understanding and concern for the welfare of the elderly; and (d) demonstrated competency and recent working experience in an administrative, supervisory, or management position. The director shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code, and shall receive the salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats.1980, c. 912, p. 2895, § 8.)

Section 9302 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 32. See note under § 9800.

For text of section as added by Stats.1982, c. 1453, p. —, § 33, see § 9302, post.

### 1980 Legislation

Former § 9302, added by Stats.1973, c. 1080, p. 2194, § 1, amended by Stats.1976, c. 157, p. 257, § 8, urgency, eff. May 11, 1976, regarding appointment, powers, salary, and qualifications of the director of the department of aging, was repealed by Stats.1980, c. 912, p. 2895, § 7.

Derivation: Former § 9302, added by Stats.1973, c. 1080, p. 2194, § 1, amended by Stats.1976, c. 157, p. 257, § 8.

### Notes of Decisions

#### 1. In general

The director of the department of aging has no authority over the commission on aging's budget except to serve as "the fiscal agent" for the accounting of gifts and grants, and also has no authority with respect to decisions by the commission on aging regarding the rental and allocation of space for use by the commission. 64 Ops.Atty.Gen. 4, 1-8-81.

§ 9302. Appointment of director and chief deputy directors; qualifications; powers; salary

Text of section as added by Stats.1982, c. 1453, p. —, § 33.

The Governor, with the consent of the Senate, shall appoint a director and two chief deputy directors of the department. The Governor shall consider but not be limited to recommendations from the California Commission on Aging and Long-Term Care, the State Council on Developmental Disabilities, and other groups who represent functionally impaired persons. The director shall have:

Asterisks \* \* \* indicate deletions by amendment

## § 9302

## WELFARE AND INSTITUTIONS CODE

(a) Direct experience or extensive knowledge of medical and social programs and services related to the elderly and functionally impaired persons.

(b) Demonstrated understanding and concern for the welfare of the elderly and functionally impaired persons.

(c) Demonstrated competency and recent working experience in an administrative, supervisory, or management position. The director shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code and shall receive a salary similar to the directors of similar departments such as health services, social services and mental health.

The Chief Deputy Director for the Division on Aging shall have demonstrated experience in, and working knowledge of, the department's elderly constituents, and the issues that are of special concern to them. The chief on long-term care shall have demonstrated experience in, and working knowledge of, the department's adult constituents in whatever age group, who receive long-term care, and the issues of special concern to them.

(Added by Stats.1982, c. 1453, p. —, § 33.)

*Operative effect of Stats.1982, c. 1453, p. —, § 33, see note under § 9800.*

*For text of section as added by Stats.1980, c. 912, p. 2895, § 8, see § 9302, ante.*

### Library References

States — 46.

C.J.S. States §§ 61, 80, 84, 102.

## § 9303. Duties of director

*Text of section as added by Stats.1980, c. 912, p. 2896, § 8.*

The director shall:

- (a) Be responsible for the management of the department;
- (b) Implement and administer the laws pertaining to this division;
- (c) Advise the Secretary of the Health and Welfare Agency and the Governor on new legislation, programs and policy initiatives, especially in the areas of coordinating services for older people that are administered by state agencies and any area supportive of long-term care for older persons;
- (d) Participate and serve as a member or designate a representative to participate as a member of regulatory panels or advisory boards such as the California Commission on Aging, the California Association of Area Agencies on Aging, or others deemed appropriate;
- (e) Convene and chair the California Interdepartmental Committee on Aging;
- (f) With the advice of the Commission on Aging, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities and jurisdiction of the department and which are consistent with law and necessary for the administration of this division;
- (g) Request the commission's recommendations on departmental policy and program activities, and take the commission's findings, recommendations and comments under advisement;
- (h) Assist the California Commission on Aging in carrying out its mandated duties and responsibilities; and
- (i) Perform other duties as prescribed by law.

(Added by Stats.1980, c. 912, p. 2896, § 8.)

### Repeal

*Section 9303 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 34. See note under § 9800.*

*For text of section as added by Stats.1982, c. 1453, p. —, § 35, see § 9303, post.*

### 1980 Legislation.

Former § 9303, added by Stats.1973, c. 1080, p. 2194, § 1, amended by Stats.1976, c. 157, p. 258, § 9, urgency.

eff. May 11, 1976 and Stats.1977, c. 579, p. 1931, § 209, regarding duties of the director of the department of aging, was repealed by Stats.1980, c. 912, p. 2895, § 7.

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# WELFARE AND INSTITUTIONS CODE

§ 9303

Derivation: Former § 9303, added by Stats. 1973, c.  
1080, p. 2194, § 1, amended by Stats. 1976, c. 157, p. 258,  
§ 9; Stats. 1977, c. 579, p. 1931, § 209.

## Notes of Decisions

### 1. In general

The director of the department of aging has no authori-  
ty over the commission on aging's budget except to serve  
as "the fiscal agent" for the accounting of gifts and  
grants, and also has no authority with respect to deci-  
sions by the commission on aging regarding the rental  
and allocation of space for use by the commission. 64  
Ops. Atty. Gen. 4, 1-8-81.

## § 9303. Appointment of deputy directors; duties of directors; dissemination of regulations

*Text of section as added by Stats. 1982, c. 1453, p. —, § 35.*

The director and the two chief deputy directors shall each appoint at least one deputy director.  
These positions shall be exempt from civil service requirements. The director shall:

- (a) Be responsible for the management of the department.
- (b) Implement and administer laws pertaining to this division.
- (c) Advise the Secretary of Health and Welfare Agency and the Governor on new legislation,  
programs, and policy initiatives, especially in the area of coordinating services for older persons and  
functionally impaired persons that are administered by state agencies and any area supportive of  
long-term care for the older persons and functionally impaired persons.
- (d) Participate or designate a representative to participate with advisory boards such as the  
California Commission on Aging and Long-Term Care, the California Association of Area Agencies on  
Aging, the California Area Agency on Aging Advisory Councils, the State Council on Developmental  
Disabilities, the organization of area boards on developmental disabilities, the Rehabilitation Advisory  
Committee, the California Coalition of Independent Living Centers, and others deemed appropriate.
- (e) With the advice of the Commission on Aging, adopt amend or repeal regulations and general  
policies affecting the purposes, responsibilities, and jurisdiction of the department and which are  
consistent with law and necessary for the administration of this division. Any regulation, policy,  
procedure, guideline, or waiver shall be adopted, amended, or repealed in accordance with Chapter 8.5  
(commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- (f) Request the commission's recommendations on departmental policy and program activities, and  
take the commission's findings, recommendations and comments under advisement.
- (g) Assist the California Commission on Aging and Long-Term Care in carrying out its mandated  
duties and responsibilities, and insure that the commission's positions and funding be consistent with  
the provisions in Section 9817, and subdivisions (b) and (c) of Section 9819, and shall remain as an  
independent administrative agency as prescribed by the Legislature for the 1981-82 fiscal year.

(Added by Stats. 1982, c. 1453, p. —, § 35.)

*Operative effect of Stats. 1982, c. 1453, p. —, § 35, see note under § 9800.*

*For text of section as added by Stats. 1980, c. 912, p. 2896, § 8, see § 9303, ante.*

## Library References

States — 46.  
C.J.S. States §§ 61, 80, 84, 102.

Asterisks \* \* \* indicate deletions by amendment

# § 9304

## WELFARE AND INSTITUTIONS CODE

### § 9304. Assistants and employees; appointment; duties

Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department, and shall prescribe their duties. Appointments shall be made that ensure programs, policy development and evaluation will be administered by employees having gerontological training or relevant experience. Appointments shall be made in accordance with the age-affirmative policy established by state law, the department, and the State Personnel Board which shall serve as a model for employing qualified persons 60 years of age or older.

The department shall appoint, by January 1, 1982, seven persons with expertise in the following areas: preventative and traditional health services, social service, employment/education/preretirement training, transportation, mental health, housing, and crime against the elderly and elder abuse. Persons serving in these positions shall:

- (a) Provide technical assistance to area agencies on aging;
- (b) Act as liaisons with appropriate state and federal agencies; and
- (c) Be responsible for being currently informed about grants, programs, and services available to older persons in California.

The department shall encourage internships, to be coordinated with schools of gerontology or related disciplines. The department shall also encourage internships for older persons.

The department shall designate employees to provide information and technical assistance to rural area agencies on aging. These staff persons shall be familiar with all the programs and funding available to rural areas and shall inform the rural area agencies on aging of these programs and funding.

(Added by Stats.1980, c. 912, p. 2896, § 8.)

1980 Legislation. Former § 9304, added by Stats.1973, c. 1080, p. 2194, § 1, was repealed by Stats.1980, c. 912, p. 2895, § 7.

Former § 9304, added by Stats.1973, c. 1080, p. 2194, § 1, was amended by Stats.1976, c. 157, p. 258, § 11, urgency clause, May 11, 1976, regarding supervision of programs for the elderly, was repealed by Stats.1980, c. 912, p. 2895, § 7.

### § 9305. Supervision of programs

The text of section as added by Stats.1980, c. 912, p. 2897, § 8, is as follows: The department shall be the single state unit for supervision of all programs under the Older Americans Act of 1966, as amended.

(Added by Stats.1980, c. 912, p. 2897, § 8.)

Repeal. Section 9305 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 86. See note under § 9800.

Section 9305 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 86. See note under § 9800.

For text of section as added by Stats.1982, c. 1453, p. —, § 87, see § 9305, post.

1980 Legislation. Former § 9305, added by Stats.1973, c. 1080, p. 2194, § 1, was amended by Stats.1976, c. 157, p. 258, § 11, urgency clause, May 11, 1976, regarding supervision of programs for the elderly, was repealed by Stats.1980, c. 912, p. 2895, § 7.

### § 9305. Employees; appointment and removal

The text of section as added by Stats.1982, c. 1453, p. —, § 87, is as follows: The director, subject to civil service requirements, shall appoint all employees or remove such employees of the department as deemed necessary to carry out the purposes of this part. (Added by Stats.1982, c. 1453, p. —, § 87.)

Operative effect of Stats.1982, c. 1453, p. —, § 37, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2897, § 8, see § 9305, ante.

Underline indicates changes or additions by amendment